

Leffers, Gerald

Fr m: Leffers, Gerald
Sent: Monday, July 21, 2003 5:14 PM
T : Fredman, Jeffrey
Subject: 09/522,753

Hi Jeff,

please approve a RUSH search of issued and pending files for SEQ ID NOS: 4, 5, 11 of this application (8.5 kb, 2,517 amino acids & 2,440 amino acids). Please also approve a RUSH search of all databases for SEQ ID NOS: 6-9 (8.3 kb, 2,473 AAs, 7.4 kb, and 2,250 AAs). SEQ ID NOS: 4-5 are directed to a human gene/protein. SEQ ID NOS: 6-7 and 8-9 are drawn to two different mouse genes/proteins. SEQ ID NO: 11 is drawn to a prior art sequence.

This is a transfer case where (i) species SEQ ID NOS: 4-5 were elected, (ii) the case is at a 2nd action after CPA where the previous examiner has indicated all claims are free of the art, necessitating a search for the nonelected species of SEQ ID NOS: 6-9, which have not been searched to date. Claims are drawn to nucleic acids with 80% identity to the nucleotide sequences or to nucleic acids encoding a protein with 80% identity to the protein sequences. Some claims are drawn to negative limitations re: portions of the prior art sequence described by SEQ ID NO: 11.

Normally, I would re-restrict in such a situation to include linking claim language and get rid of generic claims under 112 1st, but this case has already been examined in some detail and I am somewhat hesitant to restrict this late in the game. Remy has indicated to me that it would be preferable in this case to search the additional sequences. Any help or advice you can give in this situation would be appreciated. Thanks again, Gerry

Gerald G. Leffers Jr., PhD
Examiner, Art Unit 1636
Crystal Mall 1, Room 11A09
703-308-6232